

REMARKS

By the foregoing Amendment, Claim 24 has been amended. Claims 24-30 remain pending. Favorable reconsideration of the application is respectfully requested.

Claims 24-30 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Examiner indicated that the originally filed application did not include "the tubular member configured to allow the distal end of the hollow, elongated tubular member *to be pulled off* the flexible pusher member." Claim 24 has been amended to delete mention of the elongated tubular member configured to allow *the distal end* of the hollow, elongated member to be pulled off the flexible pusher member, and now recites "a longitudinal slot formed in one wall of the elongated tubular member and extending a majority of the length of elongated tubular member configured to allow the hollow, elongated tubular member to be pulled off the flexible pusher member." The specification of the present application at page 7, lines 6-11, describes that the "sheath can remain attached to a segment 40 of the flexible pusher member to facilitate initiation of loading of the flexible pusher member into the sheath. The sheath can be pulled off along the slot until the segment of the sheath without a slot is reached." It is respectfully submitted that there is sufficient support in the specification as originally filed for the recitation that the elongated tubular member can be pulled off the flexible pusher member, and that the rejection of Claims 24-30 as failing to comply with the written description requirement should be withdrawn.

The Examiner further objected to Claim 24, and Claim 24 has now been amended to recite "a longitudinal slot formed in one wall," as suggested by the Examiner. It is therefore believed that this objection can be withdrawn.

Claims 24-30 were rejected under 35 U.S.C. §103(a) on the grounds of obviousness from Diaz et al. as a matter of design choice, and further in view of Ahmed. Claim 24 has been amended to recite "the vasoocclusive device being permanently attached to an end of the sheath." Support for the amendment can be found in the specification at page 4, lines 10-11. It is respectfully submitted that there is no evidence or suggestion in the combination of Diaz et al.

and Ahmed of a vasoocclusive device being permanently attached to an end of the sheath, as is claimed. It is therefore respectfully submitted that Claims 24-30 patentably distinguish the combination of Diaz et al. and Ahmed, and that the rejection of Claims 24-30 on the grounds of obviousness from Diaz et al. as a matter of design choice and further in view of Ahmed should be withdrawn.

Claims 24-30 were rejected under the judicially created doctrine of obviousness-type double patenting in view of the claims of U.S. Patent No. 6,716,223. It is believed with the enclosed Terminal Disclaimer, the rejection on the grounds of obviousness-type double patenting in view of U.S. Patent No. 6,716,223 can be withdrawn. The fee for the filing of the Terminal Disclaimer will be paid by credit card with this electronic transmission.

In light of the foregoing amendments and remarks, and the attached Terminal Disclaimer, it is respectfully submitted that the application should now be in condition for allowance, and an early favorable action in this regard is respectfully requested.

The Commissioner is authorized to charge any deficiencies or fees in connection with this amendment to Deposit Account No. 06-2425.

Respectfully submitted,

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